

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X

PAULINA DEMARCO,

Plaintiff,

**ORDER**

CV 06-4551 (JG) (ARL)

-against-

WEST HILLS MONTESSORI, et al.,

Defendants.

-----X

**LINDSAY, Magistrate Judge:**

By letter dated June 25, 2007, plaintiff moves to compel the production of e-mail messages of a sexual nature either sent from or received by defendant Kevin Gersh ("Gersh") at his work e-mail address for the period January 1, 2005 through August 22, 2005. The motion to compel disclosure of the e-mail messages is granted in part.

The defendants oppose plaintiff's request asserting that it is overly broad in that it calls for e-mail messages between Gersh and either male colleagues or third-party non-employees that are completely irrelevant to this action. However, plaintiff claims Gersh forced her to look at a number of sexually explicit e-mails contained on his computer during her approximately four months of employment. Accordingly, said e-mails are certainly relevant to the issues in this case and are subject to discovery. Given that those e-mails may have pre-dated the commencement of plaintiff's employment it is reasonable to conduct the search from January forward.

To the extent plaintiff seeks explicit e-mail communications between Gersh and any male colleagues for the same time period, that request is granted limited only to employees. Plaintiff is entitled to discover sexual communications between employees on work e-mail which may shed light on plaintiff's claim that the work atmosphere was highly sexualized. Explicit e-mails between Gersh and non-employees are irrelevant to this action.

Pursuant to the joint application of the parties, the deadline for the completion of all discovery is extended through October 10, 2007. Any party seeking to make a dispositive motion shall take the first step in the motion process by October 24, 2007. The parties are referred to the individual practices of the assigned district judge in this regard. The final conference before the undersigned is adjourned to **November 20, 2007 at 11:30 a.m.** The parties shall electronically file their proposed joint pretrial order in advance of the final conference.

Dated: Central Islip, New York  
July 3, 2007

**SO ORDERED:**

\_\_\_\_\_  
/s/  
ARLENE R. LINDSAY  
United States Magistrate Judge